

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number: 11-20167
Honorable Thomas L. Ludington

JEFFREY MICHAEL McBAY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY AS TO COUNT ONE OF THE INDICTMENT, AND
TAKING THE RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on August 4, 2011, by United States Magistrate Judge Charles E. Binder pursuant to the defendant's consent. The magistrate judge issued his report on August 5, 2011, recommending that this Court accept the defendant's plea of guilty as to count one of the indictment. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The election to not file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 16) is **ADOPTED**.

It is further **ORDERED** that the defendant's plea of guilty as to count one of the indictment is **ACCEPTED**, and the Rule 11 Plea Agreement (ECF No. 14) is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 1, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 1, 2011.

s/Tracy A. Jacobs

TRACY A. JACOBS